

Attorney Docket No.: 101215-228

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 10/596237
APPLICANT : Golz-Berner et al
FILED : June 5, 2006
FOR : **COSMETIC AND DERMATOLOGICAL OXYGEN CARRIER
SYSTEM**
ART UNIT : 1611
EXAMINER : Buckley

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Karin Golz-Berner, hereby declare as follows:

1. I am a co-inventor of the above-referenced patent application.
2. I am currently a consultant for various cosmetics firms
3. I have a technical degree in Glass, Ceramics and Porcelain Technology obtained at the Freiberg College of Applied Sciences (FH) in 1969
4. I have 30 years experience in the field of cosmetics.
5. I conducted the following experiment in support of the patentability of the presently claimed invention.
6. A first emulsion, Emulsion A, was prepared exactly in accordance with Example 1 of US 6,403,109. Emulsion A consisted of the following ingredients in the recited concentrations (all in wt.%):

Perfuming base	10.05%
DC 345	24.93%
Perfluorodecaline	2.23%
Water	21.53%
1,2-butanediol	36.43%
Tetronic 704	2.50%
Abil Em 97	2.50%

A second emulsion, Emulsion B, was prepared by diluting Emulsion A by a factor of five by five-fold dilution with water. The resulting Emulsion B, after dilution by a factor of five and normalized to 100%, consisted of the following ingredients in the recited concentrations (all in wt. %)

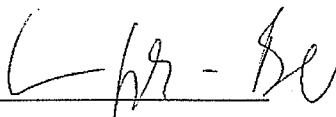
Perfuming base	1.64%
DC 345	4.07%
Perfluorodecaline	0.36%
Water	87.15%
1,2-butanediol	5.95%
Tetronic 704	0.41%
Abil Em 97	0.41%

7. The refractive index of Emulsions A and B were measured at 20°C using an AR4 Abbe refractometer, made by A. Kruss Optronic, Germany. The results of the refractive index tests are as follows:

Emulsion A: oily phase	$n_{20} = 1.4093$
aqueous phase	$n_{20} = 1.4077$
	Difference: 0.0016
Emulsion B: oily phase	$n_{20} = 1.4163$
aqueous phase	$n_{20} = 1.3744$
	Difference: 0.00419

8. Emulsion A is transparent. Emulsion B is translucent, but is not transparent.
9. All statements made herein on knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

August 22, 2011


Karin Golz-Berner